



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

November 24, 2010

Mr. Joel Young

Redacted

RE: Advisory Letter

FPPC Case No. 10/748: Joel Young

Dear Mr. Young:

The Fair Political Practices Commission (the "Commission") enforces the provisions of the Political Reform Act (the "Act") found in Government Code section 81000, and following. We recently received a complaint against you alleging that you violated the conflict of interest provisions of the Act. After review of the complaint, we have decided to close this matter without commencing further investigation. For your information, **and to help you avoid potentially serious problems in the future**, we have enclosed the Commission's *Can I Vote? An Overview of the Conflict Laws* which sets forth helpful information regarding your obligations under the Act.

The allegation in the complaint was you used your position to influence a decision before the Alameda-Contra Costa Transit District when you sent a memorandum to the District's board members asking that they rescind a labor contract it imposed on ATU Local 192.

Under the Act, no public official at any level of state or local government may make, participate in making, or in any way use or attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a disqualifying conflict of interest. (Section 87100.) To determine whether an individual has a disqualifying conflict of interest, the Commission generally employs the following sequenced analysis: (1) is the individual a public official; (2) did or will the official make, participate in making, or use or attempt to use the official position to influence a governmental decision; (3) does the official have economic interests directly or indirectly involved in the governmental decision; (4) what is the applicable materiality standard for each involved economic interest; and (5) whether it is reasonably foreseeable that the governmental decision will have a material financial effect on the official's economic interest. (See Regulation, § 18700.)

A conflict of interest arises only when the reasonably foreseeable financial effect of a governmental decision on a public official's economic interests is material. Your economic interest, your former employer, AFL-CIO, was indirectly involved and if the renegotiated

Mr. Joel Young
FPPC No. 10/748
Page 2

contract with the ATU would affect the AFL-CIO by the standards addressed in regulation 18705.3(6)(2), the decision would have a material financial effect on the AFL-CIO. No evidence was provided to substantiate a material financial effect on the AFL-CIO.

The Commission publishes forms and manuals to facilitate compliance with the Act. If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Technical Assistance Division at (916) 322-5660. Please also visit our website at www.fppc.ca.gov.

If you have questions regarding this matter, please contact us at (916) 322-5660.

Sincerely,


Redacted

Terri Kindahl
Political Reform Consultant
Enforcement Division

/tr

cc: Kenneth Scheidig, Alameda-Contra Costa Transit District